

with any other individual, to instruct, and so far as I may be supported by solid reasons, my advice no doubt will be attended to, tho' not dressed off in polished and artful language. To form a prudent resolution, I think it necessary to review the conduct of the several branches of the legislature on the subjects of dispute.

The regulation of the staple, clergy's dues, and officers, and lawyers fees, were blended together, in 1747, and then on a great division in the lower house of assembly, they thus continued till the expiration of the inspection law in 1770. In 1770, on the failure of the bill, the upper house sent down another, to revive and continue the late inspection law and the supplementary act thereto, *except such parts as limited or concerned officers and lawyers fees or clergy's dues*: had this bill passed, the regulation of the staple would have stood single and unconnected, which it was under consideration, the assembly was prorogued, by which it fell. The lower house, on their meeting, sent up the bill in the same manner, they had done before; the upper house agreed to that part of it respecting lawyers fees, provided to put the clergy on a *new* establishment as a tax; agreed to the alternative, to planters and others, to pay in tobacco or money; objected but in very few instances, and those of no great consequence, to that part of the bill, which concerned the inspection of tobacco; but, as to fees, they proposed the *old table*. The lower house agreed to the proposition with regard to the clergy, so that no difference remained between the houses, as to the reverend body, or the lawyers; several messages passed, in which the lower house, more than once, proposed to strike the officers *totally out of the bill*, which was nothing more than a pursuit of the same principle, which had governed the upper house, if they were governed by any justifiable principle, in lending down the continuing bill, in the first session; but the upper house would give no answer to a proposition so reasonable, and warranted by the recent precedent set by themselves.

Whether the upper house was fixed to suffer no regulation of the staple to take place, unless the old table of fees was tacked to it, and a continuance of the abuses compounded of should prevail, as a consequence, has been disputed. It is observable, that the messages from the upper house, in 1770, on the subject of fees, are not explicit, whether any abuses had been committed in the manner of charging under the old table or not, nor contained any promise to restrain the manner of charging, in practice, in any one article; no promise went farther, in effect, than that, after taking the old table as the ground work, and the lower house proving, to the satisfaction of the upper, a charge was not justifiable under the old table, a provision should be made against such charges in future. So that instead of the upper house pointing out an impropriety or defect in the bill, as the reason of its correction, the introduction of the old table was to have been granted as a preliminary, and instead of its being corrected, to make it square with the principles of justice, any objection was to be tried by the legal construction of the *apportionment table*, in which, according to what passed afterwards, in 1771, the practice of charging was to be of no small influence, and the upper house, in great measure, composed of the officers themselves, were to be judges of that legal construction. The session, as might be expected, ended fruitlessly.

In 1771, the bill was sent up again in the same manner as before, though no objections to the bill were pointed out, a conference was desired; those, who in 1770, had rejected a conference, when by the acceptance of it, I apprehend, the old table must have been taken as the ground work for fees, had been blamed by *some*, for not agreeing to the conference, as a *possible* method to adjust the subsisting differences between the two houses; the one proposed, in 1771, was therefore, and because nothing should be left untried, came into. The conference proved unsuccessful, in the course of it, the upper house proposed, "the clergy to be left out of the bill in all respects," and afterwards, in consequence of a message from the governor, departed from the *4th* proposed by them, and agreed to by the lower house in 1770, and tho' they were desirous of settling the matter with respect to the clergy, before the point of fees was considered, yet the practice of charging was so far from being given up as an abuse in any one instance, that most of those pointed out, and indeed all in the high offices, were attempted to be justified under the legal construction of the table, principally proved to be the very practice complained of.

After these bills had failed, the lower house, in June session 1772, attempted to obtain a regulation of the staple singly, leaving out as well the officers as the clergy in all respects, that bill met with a negative, without any intimation of the reasons, for which it was so treated. At the last meeting the bill was sent up as in the June session, it again met with their honours negative, accompanied with a message, wherein they say, "but should you think proper to include the clergy in it, according to the terms of the late inspection act, with respect to the present incumbents, and make a provision, giving an alternative, to all persons to pay the clergy in tobacco or money, at the rate of four shillings common money for every taxable, in each parish, on the death or removal of the present incumbents, and also to include the officers and lawyers, according to the regulations of the late inspection act, with this difference or variation, that all persons may elect to pay the fees in tobacco or money after the rate of twelve shillings and sixpence common currency for 100 lb of tobacco, we shall be ready to resume the consideration of the bill, and contribute all in our power towards perfecting and establishing a law of so much consequence to the credit of our staple of tobacco, and to the peace and tranquillity of this province." Thus making it a *previous* article, that the lower house must agree to establish again the unjust and hated distinction between

tobacco-makers and others, as to the clergy, and also to give the old table of fees to the officers, under colour of which, the charges, objected against as abuses, will be continued, before their honours would even resume the consideration of the bill for the regulating the staple of tobacco, though that bill is confessed on all hands to be, of the utmost consequence to the credit of our staple.

The variety of propositions made by the upper house, with respect to the clergy, seem to have been calculated to mislead as to their honours real intentions respecting a provision for them, but their declining, in 1770, to give any opinion, whether the charges alleged to be abuses were such or not, their contending, in 1771, the charges objected against were justifiable under the table, their rejecting generally the separate bill, in June 1773, and then proposing, at last, as a preliminary, an adoption of the old table, together with government interfering by an indefensible act of power, the proclamation, to establish the old table of fees, and the known continuance of the abuses in charging, leave no room for conjecture as to the real view and design of the upper house with regard to the officers fees. The old table, as it stands, and the charges, as practised, must prevail, under the proclamation or by law; if the people submit to the loss of the inspection, rather than give the sanction of law to the old table, they shall pay under the illegal proclamation, if they obtain the law, they shall give a legal establishment of the old table, as the price of it. Our representatives have unanimously rejected the terms, and I think they have done right. Gentlemen, who enjoy the first honours and most lucrative places in the community, should not therefore grow giddy, they ought to remember that the institution of offices was not for the officers emolument; but for the benefit of the people, and that regulators have not that distinguished pre-eminence, by our constitution, for their separate profit.

Every branch has explicitly declared its opinion of the utility, nay the necessity of an inspection law, why not therefore concur in enacting that, which is useful and necessary, and in which they may agree? If the establishment of fees, or the clergy's provision, may properly be tacked to an inspection of tobacco, to carry down the former by the weight of the latter, against the will of a competent part, why may not the provision, for officers, or clergy, be increased to what degree of extravagance either branch may please; and what power can limit the will or caprice of such branch; or why may not a provision, or even a naked decree be tacked to the inspection of tobacco, why not, with equal propriety, tack that table to an inspection of *flour*, which I hope, in a few years, will be of equal consequence to the landed interest in this province, as an inspection of tobacco? If the principle is once admitted, our constitution is effectually destroyed, the supreme magistracy may as fairly withhold his assent, or forbear the exercise of the prerogatives, entrusted with him for the benefit of the community, till the price is paid, and our representatives too would be taught to put the price of their consent into their pockets, such trucking is highly dishonourable, and repugnant to every idea I have of a constitution founded on compact. If, at the establishment of a legislature, the question was proposed, whether one branch should withhold its assent to bills, confessed by itself to be useful, and even necessary to the community, till concessions were made on other points, against the will of another branch, would not the answer be ready, and will not confer such power, we design each to be equal, and if one should overbear the resolutions and opinions of the other, all power would rest essentially in those, whose will would thus prevail?

Are the delegates right in separating these subjects? they are either now right in separating, or the upper house was wrong in 1770 and 1771, in their propositions.

The clergy's claim is now in a course of legal decision, the upper and lower house disagree as to the validity of the act of 1701-2, as well as to the provision, which ought to obtain for the clergy; it would seem then to be but candid, unless they can agree in a future provision, to leave them in their present situation; if they can agree in a future reasonable provision, incorporated with the inspection, what can hinder the same agreement and provision taking place by a separate bill?

As to the officers, I know of but one rule that ought to be adopted, and that is, to make an allowance so liberal, on the services actually performed, that the whole amount, communibus annis, should be general enough to induce gentlemen, of the first rank and capacity, to execute the offices of greatest trust and difficulty, this is my idea, and, however illiberal people of my rank may be represented, I believe a very general sentiment among my countrymen.

I profess I cannot see, in a *new* establishment of fees, any force in the argument, I have often heard, that the legal construction (which I do not understand) of the *old table*, evidenced by the prevailing practice of charging, warrants those charges objected against, as if such a senseless combination of words, was to destroy the first impressions of justice, and a man should be therefore obliged, by the *new law*, to pay an officer a part of his property, for what was not nor need ever be, done, or, which was performed by another officer, and for which that other officer, was paid by law. Besides the injustice of such regulation, we have had a long experience of offices being very lucrative indeed, when compared with the circumstances of the province; it has not hitherto had any desirable effect, nor can it be consistent with sound policy, that government should be enabled to work on the principles and views of men of the first abilities among us; by a disposition of offices during pleasure, with very moderate duties, and very exorbitant incomes: as sure as riches influence the heart, so sure may such offices be disposed of for destructive ends.

Some men indeed persuade themselves, that *present* quiet might be obtained by a passage of a bill, including all the subjects, in which, for the present, the old table might be agreed to, and that the matter might be resumed again hereafter with success; but can you so far deceive yourselves, as to imagine, if there is any weight in the arguments hitherto urged in support of the old table, and the propriety of connecting the different subjects together, that the same arguments will not become more forcible from another re-enacting of the law? If so, what reasonable hope can you have of ever succeeding, in separating the inspection from the provision for the clergy, and officers fees? Or what reasonable expectation can you form, that you will ever be able to get a correction of abuses, or moderation of the clergy's provision? You may as well at once agree to a perpetual establishment of the provision for the clergy, the old table of fees, and the abuses connected with it, and thus, by one decisive blow, put it out of the power of your posterity to struggle, than turn your faces from temporary evil too great for your resolution, and leave matters so entangled and perplexed, that every effort of your children must prove unsuccessful.

Nothing can be plainer or better established, than that, by our constitution, we have a right to expect from government a free, uninterrupted administration of justice, according to the laws; that we have a right to expect from the legislature an exercise of their power, in correcting the old, where they are found inconvenient, and the establishment of new laws, which would promote the interests of the community; if our delegates act contrary to the end of their institution, government can, and ought to give us a new choice, and it is our business and interest to fill the places of those, who swerve from their duty, with better men; if the upper house act contrary to the end of their institution, if their conduct should proceed from an undue attachment to their separate interest, they are men, and, as such, have their feelings; an universal condemnation or such motives would awake the passion of shame, for however men in high stations may affect to despise the censures or sentiments of plebeians; yet a well grounded and universal detestation of unworthy conduct, cannot but reach the heart of the proudest man. If the conduct of the upper house should proceed from misinformation, there is no way so effectual to inform them truly of the real sense of the constituents, as by instructing the representatives.

For any part shall be among you, the act to be done concerns every body, every elector ought therefore to attend; I mean not to dictate, if nothing better should be proposed, may I offer to your consideration, whether it would not be proper to instruct our representatives, that they *again* find up a separate inspection bill, leaving out the clergy and officers in all respects, and if it passes, they should then proceed in such business as may be thought necessary, but if it should be rejected, that they immediately endeavour to put an end to the session, without utterly spending their time, and our money; if any thing better can be thought of, at this critical time, so far from being attached to my own, I shall join in the best opinion with alacrity.

I am, gentlemen, your humble servant,  
AN ELECTOR.

W A R S A W August 2.

WITHIN these last twelve days we have had no accounts from the Russian army, which, we suppose, has occasioned the report of the Russians being defeated by the Turks; but we are assured, from good authority, that there is not the least ground for this report, nor for that other report of the Russians having expelled the Danube.

Lower Elbe, Aug. 23. The emperor of Germany, attended by his best generals, is daily expected in Poland; and his troops, from every corner of his dominions, are in full march towards the Polish and Turkish territories. His new acquired provinces in Poland are daily fortifying, and his troops there are augmenting every day, and every thing is put in the best posture of defence. The king of Prussia observes the same order, and with 150,000 of the best disciplined troops, seems to be determined to execute his plan, and, in all probability, will take up his next winter's quarters at Constantinople. Several great (according to the old style) powers in Europe are watching every motion of these wise and politic princes, with the utmost jealousy, and seem very active in their cabinets to prevent the plan of the three united powers from being carried into execution; both in the south and north, and are preparing to oppose them both by sea and land, so that we may conclude that a general war is very near taking place in Europe.

L O N D O N, August 17.

The premier said a few days ago, that there would be very little business for parliament the ensuing winter, and that for once he might promise himself a serene session. We know he is a great prophet, therefore hope the above will turn out a true prophecy.

A long struggle, during the whole course of the winter, being indirectly made against Lord North by the Bloombury party, (with Lord Gower, who wants to be first lord of the treasury, at their head) to no purpose, a direct application was made a few days ago to a great personage, whose reply was, "I have the greatest good wishes for my Lord Gower, but the experience I have had of my Lord North's services leaves me under no necessity of making a new trial."

Letters from South America say, that in that part of the world the seas swarm with Spanish men of war.